

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

No. 3:15-cr-00496-L

USPLABS, LLC	(1)
JACOBO GEISSLER	(2)
JONATHAN DOYLE	(3)
MATTHEW HEBERT	(4)
KENNETH MILES	(5)
S.K. LABORATORIES, INC.	(6)
SITESH PATEL	(7)
CYRIL WILLSON	(8)

ORDER

Before the Court is the opposed motion of the above-referenced defendants entitled, *Defendants' Motion To Compel Certain Expert Material* (ECF No. 361). The Defendants argue that they are entitled the Government expert's workpapers, communications with alleged victims and with each other, as well as documents specific to each expert. These Government experts are Doctors Herbert L. Bonkovsky, Karl Klontz, and Mahmoud ElSohly, Professors Bill Gurley, Igor Koturbash,, Marjan Boerma, and Nicholas Oberlies and Ms. Catherine D. Tucker. The Defendant's argue that this material must be disclosed under Fed. R. Crim. P. 16(a)(1)(E)(i) since it is in the possession of the Government and material to their defense. The Court GRANTS this request for the reasons stated in the motion.

It is therefore ORDERED that the Government must disclose to Defendants the following:

All Government experts: Each expert's engagement agreement with the Government, compensation from the Government, prior reports and

testimony, workpapers, communications with alleged victims of OEP NF, and communications with each other;

Bonkovsky: Communications between Dr. Bonkovsky and others relating to his opinions in this case, including (1) members of the Drug-Induced Liver Injury Network (“DILIN”); (2) the University of Mississippi, including Drs. Ikhlas Khan and ElSohly; and (3) Phytochemical Sciences, Inc.

Klontz: Documents relating to (1) Klontz’s publication or attempted publication of studies of USPlabs’ dietary supplements; (2) Klontz’s review of patient medical records relating to OEP NF; (3) Klontz’s communications with various publications, Paul Howard, the Drug-Induced Liver Injury Network, the Centers for Disease Control, Department of Defense, or various universities

Gurley, Koturbash, and Boerma: Documents relating to (1) the mice used in the professors’ OEP NF studies; (2) the extractions fed to the mice in those studies; (3) the data documented during those studies; and (4) literature consulted during those studies, or subsequently publishing the results of those studies.

ElSohly: Documents relating to the samples the University of Mississippi tested (either for Dr. ElSohly’s studies of OEP NF or for the University of Arkansas’s) and communications with (1) his staff; (2) Dr. Danial Armstrong or Ying Zhang regarding DMAA or OEP NF; and (3) Dr. Yi Jin, Xu Xishuangbanna, Jinghua Yang, Wei-Dong Zhang, Juan Su, Dean Guo, or Min Yang relating to the geranium he tested.

Oberlies: Documents relating to or reflecting his studies or the literature he consulted for his opinions regarding chirality of the ingredients identified in his expert report.

Tucker: Ms. Tucker’s workpapers underlying her analysis.

SO ORDERED.

DATED:

SAM LINDSEY
UNITED STATES DISTRICT JUDGE